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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/584,223

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Junko Suginaka

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EXAMINER

CRANFORD, MICHAEL D

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/584,223	<b>Applicant(s)</b> SUGINAKA, JUNKO	
	<b>Examiner</b> MICHAEL D. CRANFORD	<b>Art Unit</b> 3696	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04/01/09.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/23/06 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____.  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **Status of Claims**

1. This action is in reply to the amendment filed on 01 April 2009.
2. Claims 1-2 and 4-5 have been amended.
3. Claims 1-8 are currently pending and have been examined.
4. The rejections of claims 1-8 have been updated to reflect the amendments.

Applicant's arguments received on 01 April 2009 have been fully considered but they are not persuasive. Referring to the previous Office action, Examiner has cited relevant portions of the references as a means to illustrate the systems as taught by the prior art. As a means of providing further clarification as to what is taught by the references used in the first Office action, Examiner has expanded the teachings for comprehensibility while maintaining the same grounds of rejection of the claims, except as noted above in the section labeled "Status of Claims." This information is intended to assist in illuminating the teachings of the references while providing evidence that establishes further support for the rejections of the claims.

With regard to the limitations of claims 1-8, Applicant argues that the references Felsher and Guheen et al. fail to disclose and/or teach the limitations of Applicant's claimed invention. Applicant further argues that it is not clear as to what portions of Guheen et al. are relevant to Applicant's claimed invention.

Examiner finds Applicant's argument convincing and chooses to use the reference Rodriguez et al. (US PGP 2004/0190750 A1) as the prior art. Examiner respectfully maintains rejections based on the information provided below.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3696

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**6. Claim 1:**

Rodriguez et al. shown, discloses the following limitations:

- *information storage means for storing personal information and electronic money information* (see at least page 13 paragraph 0198....credit card or other billing information, together with mailing address information, can be stored in a profile on the Bedoop system....)
- *short-distance communication means for making short-distance communications in a noncontact manner* (see at least page 2 paragraph 0016....once detected the system responds in accordance with the detected Bedoop data (e.g., by initiating some local action, or by communication with a remote computer, such as over the internet, vial an online service such as AOL, or using point-to-point dial up communications, as with a bulletin board system)
- *pair relationship establishment means for receiving a pair relationship establishment request signal from a mobile terminal by said short-distance communication means and transmitting personal identification information to said mobile terminal by said short-distance communication means* (see at least page 13 paragraph 0188....on recognizing a driver's license, the kiosk can access a remote site (which may be maintained by the Department of Motor Vehicles, another government entity, a private entity, or by the traveler), authenticating the operation by presenting Bedoop data encoded on the license, and obtaining information that the person has pre-approved for release in response to such authorized access)

- *information providing control means for receiving electronic money information from a financial institution terminal by said short-distance communication means to be deposited with electronic money and transmitting said electronic money information by said short-distance communication means to a mobile terminal with which said pair relationship has been established to make the mobile terminal pay with electronic money (see at least page 14 paragraph 0200....the Bedoop system responds by establishing a line to a remote computer maintained by or on behalf of manufacturer. In addition to relaying the product identification data to the remoter computer, the Bedoop application also sends some or all of a clothing profile maintained by the user on the local computer. This profile can specify, e.g., the person's weight, height, shoe size, inseam, etc. The remote computer can confirm availability on the identified item in the size specified in the clothing profile, and solicit payment and shipping instructions)*

**7. Claim 2:**

Rodriguez et al. shown, discloses the following limitations:

- *information providing control means receives an electronic money increase request signal of a predetermined designated amount of money from said mobile terminal by said short-distance communication means (see at least page 13 paragraph 0198....one such alternative is the first-to-redeem electronic money system described in the present assignee's patent application No. 60/134,782)*
- *transmits an electronic money increase signal of said designated amount of money to a mobile terminal by said short-distance communication means (see at least page 13 paragraph 0198....one such alternative is the first-to-redeem electronic money system described in the present assignee's patent application No. 60/134,782)*

**8. Claim 3:**

Rodriguez et al. shown, discloses the following limitations:

- *personal information storage device is integrated with something that a user wears (see at least page 8 paragraph 0121....to aid in identification the Bedoop objects (e.g.,*

Art Unit: 3696

badges) can be colored a distinctive color, permitting the system to more easily identify candidate objects from other items within the optical capture devices' field of view)

**9. Claim 4:**

Rodriguez et al. shown, discloses the following limitations:

- *short-distance communication means for making short-distance communications in a noncontact manner* (see at least page 2 paragraph 0016....once detected the system responds in accordance with the detected Bedoop data (e.g., by initiating some local action, or by communication with a remote computer, such as over the internet, via an online service such as AOL, or using point-to-point dial up communications, as with a bulletin board system)
- *pair registration means for transmitting a pair relationship establishment request signal to a personal information storage device by said short-distance communication means, receiving personal identification information from said personal information storage device by said short-distance communication means, and registering said personal information storage device as having a pair relationship* (see at least page 13 paragraph 0188....on recognizing a driver's license, the kiosk can access a remote site (which may be maintained by the Department of Motor Vehicles, another government entity, a private entity, or by the traveler), authenticating the operation by presenting Bedoop data encoded on the license, and obtaining information that the person has pre-approved for release in response to such authorized access)
- *user setting means for setting and storing personal information including electronic money information by receiving it by said short-distance communication means from said personal information storage device registered as having the pair relationship* (see at least page 13 paragraph 0188....on recognizing a driver's license, the kiosk can access a remote site (which may be maintained by the Department of Motor Vehicles, another government entity, a private entity, or by the traveler), authenticating the

Art Unit: 3696

operation by presenting Bedoop data encoded on the license, and obtaining information that the person has pre-approved for release in response to such authorized access)

- *use permission means for transmitting a use permission request signal to a personal information storage device set as having the pair relationship by said short-distance communication means, receiving a use permission signal from said personal information storage device by said short-distance communication means, and making this mobile terminal available to pay with electronic money* (see at least page 13 paragraph 0188....on recognizing a driver's license, the kiosk can access a remote site (which may be maintained by the Department of Motor Vehicles, another government entity, a private entity, or by the traveler), authenticating the operation by presenting Bedoop data encoded on the license, and obtaining information that the person has pre-approved for release in response to such authorized access)

**10. Claim 5:**

Rodriguez et al. shown, discloses the following limitations:

- *electronic money increase means for designating a predetermined amount of money and transmits an electronic money increase request signal by said short-distance communication means to a personal information storage device set as having a pair relationship, receiving an electronic money increase signal of said designated amount of money from said personal information storage device by said short-distance communication means and stores it* (see at least page 13 paragraph 0198....one such alternative is the first-to-redeem electronic money system described in the present assignee's patent application No. 60/134,782)

**11. Claim 6:**

Rodriguez et al. shown, discloses the following limitations:

- *pair registration means transmits a pair relationship establishment request signal addressed to an arbitrary personal information storage device, and said use permission means transmits a use permission request signal addressed to a specific personal*

Art Unit: 3696

*information storage device* (see at least page 13 paragraph 0188....on recognizing a driver's license, the kiosk can access a remote site (which may be maintained by the Department of Motor Vehicles, another government entity, a private entity, or by the traveler), authenticating the operation by presenting Bedoop data encoded on the license, and obtaining information that the person has pre-approved for release in response to such authorized access)

**12. Claim 7:**

Rodriguez et al. shown, discloses the following limitations:

- *personal information storage device is integrated with something that a user wears* (see at least page 8 paragraph 0121....to aid in identification the Bedoop objects (e.g., badges) can be colored a distinctive color, permitting the system to more easily identify candidate objects fro other items within the optical capture devices' field of view)

**13. Claim 8:**

The combination of Felsher and Guheen et al. discloses the following limitations:

- *pair registration means transmits a pair relationship establishment request signal addressed to an arbitrary personal information storage device, and said use permission means transmits a use permission request signal addressed to a specific personal information storage device* (see at least page 13 paragraph 0188....on recognizing a driver's license, the kiosk can access a remote site (which may be maintained by the Department of Motor Vehicles, another government entity, a private entity, or by the traveler), authenticating the operation by presenting Bedoop data encoded on the license, and obtaining information that the person has pre-approved for release in response to such authorized access)



### CONCLUSION

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Michael D. Cranford** whose telephone number is **571-270-3106**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **Thomas Dixon** can be reached at **571-272-6803**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

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or faxed to **571-273-8300**.

Hand delivered responses should be brought to the **United States Patent and Trademark**

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/ Michael Cranford / Examiner / Art Unit 3696 /

/Frantzy Poinvil/  
Primary Examiner, Art Unit 3696

June 13, 2009

Application/Control Number: 10/584,223  
Art Unit: 3696

Page 9